

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

BEVERLY ANN LAVIGNE,

Debtor.

Chapter 11

Case No. 16-20035

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

This matter came before the Court on the Debtor's motion seeking to proceed *in forma pauperis* (Docket Entry "D.E." 37) on her Motion to Reopen Bankruptcy Case. Courts are authorized to waive fees where the Court determines that an "individual has income less than 150 percent of the income official poverty line . . . applicable to a family of the size involved and is unable to pay that fee in installments." 28 U.S.C. § 1930(f)(1). The Debtor does not even allege, let alone provide evidence of, an inability to pay the \$1,167.00 fee owed for filing a motion to reopen a chapter 11 case. Indeed, the only financial information available to the Court is that which the Debtor provided in connection with her Application to Pay Filing Fee In Installments filed on January 28, 2016. Although the Court granted that prior application, the financial information provided in connection with that request is now more than two and a half years old and is far too stale to form the basis for this new request.

Courts are permitted under 28 U.S.C. § 1930(f)(3) to waive fees in other circumstances but the Debtor has not articulated a sufficient basis for doing so in her motion. She argues that the fee should be waived because she is seeking to correct the docket and obtain clarification. The Court does not find any errors on the docket and her vague request for clarification does not justify a waiver of the fee. Accordingly, the Debtor's request to proceed *in forma pauperis* is hereby denied.

Dated: October 30, 2019

/s/ Peter G. Cary

Judge Peter G. Cary

United States Bankruptcy Court